



U.S. Department of Justice

Federal Bureau of Prisons

Washington, D.C. 20534

AUG 12 2019

MEMORANDUM FOR ERIC D. WILSON, WARDEN
FEDERAL MEDICAL CENTER
PORT RICHEY, TEXAS

FROM: *Zachary J. Keltner*
John Hyle
Assistant Director/General Counsel

SUBJECT: EBBERS, Bernard J.
Federal Register No. 56022-054
Request for Reduction in Sentence

Please be advised that Mr. Ebbers' request for a reduction in sentence (RIS) pursuant to 18 U.S.C. § 3602(c)(1)(A)(i) and PS 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3602(c)(1)(A) and 4205(g), section 4(b) ("Elderly Inmates with Medical Conditions"), is denied. We have carefully reviewed the documentation submitted with this request and have consulted with DOP's Medical Director.

Section 4(b) of PS 5050.50 provides that an inmate who meets the following criteria may be considered for a RIS: (1) is age 65 and older; (2) suffers from chronic or serious medical conditions related to the aging process; (3) is experiencing deteriorating mental or physical health that substantially diminishes his ability to function in a correctional facility; (4) conventional treatment promises no substantial improvement to his mental or physical condition; and (5) has served at least 50 percent of his sentence.

Mr. Ebbers is 77 years old and has served 12 years and 10 months, or 51.5 percent, of his term of imprisonment. He has a history of hyperlipidemia, hypertension, cardiomyopathy, heart failure, macular degeneration, low vision in both eyes, and inguinal hernia. He is considered legally blind. He is closely

followed by cardiology and ophthalmology, and his treatment providers report that his medical conditions are chronic but stable at this time. Although Mr. Ebbers is visually impaired, he remains capable of independently performing his activities of daily living (ADLs) and instrumental ADLs such as bathing, dressing, grooming, toileting, ambulating, using the telephone with large numbers, managing his medication with a magnifying glass, performing light housekeeping, and navigating the correctional environment. He currently works as a unit orderly and has acknowledged he is not having any difficulties performing his duties. He also is physically active and capable of navigating stairs on the unit without difficulty.

As Mr. Ebbers is independent with the majority of his ADLs and instrumental ADLs and is not experiencing deteriorating mental or physical health that substantially diminishes his ability to function in a correctional facility, he does not meet the criteria for a RIS under section 4(b). Accordingly, his RIS request is denied.

Please provide Mr. Ebbers with a copy of this decision.

cc: J. Baltazar, Regional Director, South Central Region